

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT  
OF COMMERCE, et al.,

Defendants.

18-CV-2921 (JMF)

**NOTICE OF FILING OF DEPOSITION DESIGNATIONS FOR SAHRA PARK-SU**

Plaintiffs hereby file with the Court the synopsis of deposition excerpts for Sahra Park-Su (Exhibit 1), and the deposition excerpts for Sahra Park-Su that will be offered as substantive evidence (Exhibit 2) (Plaintiffs' designations are indicated in purple, and Defendants' counter-designations are indicated in green).

Respectfully submitted,

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# Exhibit 1

Summary: Sahra Park-Su (October 25, 2018)

Sahra Park-Su was a senior policy advisor at the Department of Commerce during the relevant time period. Tr. 26:19-27:02, 28:19-21. In the senior policy advisor role she reported to Karen Dunn Kelley and Earl Comstock. Tr. 28:09-18. She was not a Census expert and relied on Census Bureau materials for all census issues. Tr. 57:04-57:22.

Ms. Park-Su had a small role in the process where David Langdon, Earl Comstock, James Uthmeier, and others from the Commerce Department asked the Census Bureau 35 questions in response to the Census Bureau's technical analyses of the citizenship question. Tr. 136:18-138:17; Ex. 16. The Commerce Department wanted to revise the Census Bureau's answer to question 31 regarding the process for adding a question to the decennial census; Deputy General Counsel Mike Walsh provided the revised language that removed the details of the "well-established process for adding or changing content on the census or ACS." Tr. 139:02-143:01, 151:18-154:07; Ex. 21. The effect of Walsh's rewritten language was to remove wording that indicated the Census Bureau had a well-established process for addressing new questions and that the process involved extensive review and testing of any new question to ensure that the proposed question is necessary and beneficial. Ex. 18, Ex. 22. Ron Jarmin and Enrique Lamas did not provide feedback on the change. Tr. 158:16-160:16. As late as March 1, 2018 the Census Bureau was using its original language and not Mike Walsh's language. Tr. 173:17-173:22; Ex. 18; Ex. 22.

Ms. Park-Su also compiled the administrative record in this case. However, she had no training or advice as to what was appropriate to put in an administrative record. Tr. 126:21-127:05. Ms. Park-Su's role in this regard was limited to keeping materials that were handed to her and reviewing documents provided to her by the General Counsel's office, and certifying the submission of the record. Tr. 185:15-192:10; Exhibit 29.



# Exhibit 2

Standard Transcript Report

# Su - PL Designations

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park-Su, Sahra 10-25-2018

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10-25-2018

park-Su, Sahra

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1 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF CALIFORNIA

2 SAN FRANCISCO DIVISION

3

4 \_\_\_\_\_ :

5 CITY OF SAN JOSE, et al.,: :

6 Plaintiffs, : : Case No.

7 vs. : 3:18-cv-2279-RS :

8 WILBUR ROSS, JR., et al.,: :

9 Defendants. : \_\_\_\_\_:

10

11

Global Objection  
Rules 401, 403

12 Thursday, October 25, 2018

13

14 Videotape Deposition of SAHRA PARK-SU,

15 taken at the Law Offices of Manatt, Phelps &

16 Phillips, LLP, 1050 Connecticut Avenue NW,

17 Washington, D.C., beginning at 9:40 a.m.,

18 before Ryan K. Black, a Registered Professional

19 Reporter, Certified Livenote Reporter and Notary

20 Public in and for the District of Columbia.

21

22 Veritext Legal Solutions Mid-Atlantic Region 1250 Eye Street  
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24 ALSO PRESENT

25 Gene Aranov - Legal Videographer



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1 THE VIDEOGRAPHER: Good morning.  
2 We are going on the record at 9:40  
3 a.m. on October 25th, 2018. Please note that  
4 the microphones are sensitive and may pick up  
5 whispering, private conversations and cellular  
6 interference. Please turn off all cell phones,  
7 or place them away from the microphones, as they  
8 can interfere with the deposition audio. Audio  
9 and video recording will continue to take place  
10 unless all parties agree to go off the record.  
11 This is Media Unit 1 of the  
12 video-recorded deposition of Sahra Park-Su taken  
13 by counsel for plaintiff in the matter of the  
14 City of San Jose, et al., versus Wilbur M.  
15 Ross, Jr., et al., filed in the United States  
16 District Court for the Northern District of  
17 California, San Francisco Division, Case Number  
18 3:18-cv-2279-RS.  
19 This deposition is being held at  
20 Manatt Phelps & Phillips, located at 1050  
21 Connecticut Avenue Northwest, Suite 600,  
22 Washington, D.C.  
23 My name is Gene Aranov, from the  
24 firm Veritext Legal Solutions, and I'm the  
25 videographer. The court reporter is Ryan Black,



1 from the firm of Veritext Legal Solutions.  
2 I'm not authorized to administer  
3 an oath, I'm not related to any party in this  
4 action, nor am I financially interested in the  
5 outcome.  
6 Counsel and all present in the room,  
7 and everyone attending remotely, will now state  
8 their appearances and affiliations for the  
9 record. If there are any objections to  
10 proceeding, please state them at the time of  
11 your appearance, beginning with the noticing  
12 attorney.

13 MR. ADAMS: Good morning. This is  
14 Rory Adams. I represent Plaintiffs City of  
15 San Jose and the Black Alliance for Just  
16 Immigration.

17 MS. SHAH: Hi. My name is Niyati  
18 Shah. I represent the plaintiffs in Lupe,  
19 et al., versus Ross, et al., Case Number  
20 8:18-01570, in the District of Maryland.

21 MR. RAINES: Hi. My name is Chase  
22 Raines. I represent the NYIC plaintiffs in  
23 2:18-cv-5025, which is now consolidated with  
24 2921 in the Southern District of New York.

25 MR. GRANT: My name is Dan Grant,

1 from Covington & Burling. I represent the  
2 plaintiffs in Kravitz v. Department of  
3 Commerce, et al., in the District of Maryland.

4 MS. HELLER: My name is Megan Heller.  
5 I'm agency counsel for the Department of  
6 Commerce.

7 MS. BAILEY: My name is Kate Bailey.  
8 I'm with the Department of Justice, representing  
9 defendants in this matter.

10 THE VIDEOGRAPHER: Anybody on the  
11 phone?

12 MS. BOUTIN: Yes. This is Gabrielle  
13 Boutin --

14 MR. HOLTZMAN: David Holtzman --

15 MS. BOUTIN: -- rep --

16 MR. HOLTZMAN: Go ahead, please.

17 MS. BOUTIN: Thank you.

18 This is Gabrielle Boutin, representing  
19 the State of California in the State of  
20 California v. Roth.

21 MR. HOLTZMAN: This is David Holtzman  
22 of Holland & Knight, representing the County of  
23 Los Angeles.

24 MR. YEOMANS: Keith Yeomans,  
25 representing Los Angeles Unified School District

1 in California v. Ross.

2 THE VIDEOGRAPHER: Is that everyone?

3 MR. ADAMS: Is anyone else on the  
4 line?

5 THE VIDEOGRAPHER: Will the court  
6 reporter please swear in the witness?

7 \* \* \*

8 Whereupon --

9 SAHRA PARK-SU,  
10 called to testify, having been first duly sworn  
11 or affirmed, was examined and testified as  
12 follows:

13 EXAMINATION

14 BY MR. ADAMS:

15 Q. Good morning. We met briefly in  
16 the hall. I'm Rory Adams, and I represent the  
17 City of San Jose and the Black Alliance for Just  
18 Immigration.

19 Ms. Park-Su, have you ever been  
20 deposed before?

21 A. No.

22 Q. Have you ever provided testimony in  
23 court before?

24 A. No.

25 Q. I'd like to go over in some basic



1 A. My understanding at the time was  
2 that if there are any issues that I was familiar  
3 with, that I had expertise in, that I would have  
4 an opportunity to review it and provide any  
5 comment, input or suggestions.

6 Q. Has your understanding of that role  
7 changed?

8 A. Yes.

9 Q. In what ways?

10 A. I was assisting with Census, and I  
11 don't think that title necessarily applied to my  
12 role regards to Census. It did, however, with  
13 regards to the International Trade  
14 Administration.

15 Q. When did you start working at the  
16 Department of Commerce?

17 A. I believe it was the end of June,  
18 early July of 2017.

19 Q. And when you started working at the  
20 Department of Commerce, did you have the title  
21 senior policy adviser?

22 A. Yes.

23 Q. Have you had any other titles while at  
24 the Department of Commerce?

25 A. Currently, I have a different title.

1 Q. What is that?

2 A. Senior counselor.

3 Q. Have you had any other titles, other  
4 than senior policy adviser and senior counselor  
5 at the Department of Commerce?

6 A. No.

7 Q. Who did you report to at the  
8 Department of Commerce when you first joined?

9 A. When I first joined, I was working  
10 most closely with Israel Hernandez.

11 MS. BAILEY: Counsel, can we specify  
12 that -- are these directed to this current  
13 tenure at the Department of Commerce versus the  
14 previous tenure?

15 MR. ADAMS: Yes. This is directed  
16 to the current tenure at the Department of  
17 Commerce.

18 THE WITNESS: Okay. Yes. Thank you.  
19 Israel Hernandez.

20 BY MR. ADAMS:

21 Q. What were your -- what were your job  
22 responsibilities while you were reporting to  
23 Mr. Hernandez?

24 A. Sure. It was assisting Izzy with both  
25 any International Trade Administration matters,

1 as well as helping to pull together materials  
2 that Census was sending over to the Department  
3 of Commerce.

4 Q. How long was -- how long did you  
5 report to Mr. Hernandez?

6 A. Until his departure.

7 Q. When was that?

8 A. December of 2017.

9 Q. Who do you report to -- who did you

10 report to after December of 2017?

11 A. It was sort of split. I was assisting

12 Karen Dunn Kelly, the Undersecretary for ESA,

13 and I still, technically, was reporting

14 to Earl Comstock since they had placed me in

15 his organization.

16 Q. What was his organization?

17 A. The Office of Policy and Strategic

18 Planning.

19 Q. When did you become a senior

20 counselor?

21 A. Probably almost three months ago.

22 Q. So when you started reporting to  
23 Secretary Kelly and Mr. Comstock, you were still  
24 a senior policy adviser?

25 A. Correct.

1 Q. Would you do anything else?

2 A. If I had questions, I'd ask them to

3 clarify.

4 Q. Anything else?

5 A. No.

6 Q. So you would not, for example, edit

7 draft responses?

8 A. If there are grammatical suggestions,

9 I'd make those, but, substance-wise, we would

10 keep it consistent with what Census had told us.

**11 Q. Do you recall ever making substantive**

**12 revisions to responses to QFRs?**

**13 A. There was one.**

**14 Q. What was that?**

**15 A. I believe that was asking what the**

**16 process was.**

**17 Q. The process for what?**

**18 A. For adding a question to the Decennial**

**19 Census.**

20 Q. Do you recall when that question came

21 in -- when did you first see that question?

22 A. I can't remember when I first saw

23 that question. The Office was handling three

24 Questions For The Record that were sent to us

25 simultaneously.



1 did not have a process, per se, but they were  
2 not aware of a well-established process, as they  
3 were with regards to the American Community  
4 Survey.

5 BY MR. ADAMS:

6 Q. Following the meeting, did anyone  
7 within the Department of Commerce substantively  
8 revise the response to the QFR addressing this  
9 issue?

10 A. Could you clarify just a little bit  
11 more?

12 Q. Sure.

13 We've been talking about a QFR with  
14 respect to the process for adding a question to  
15 the Decennial Census, --

16 A. Mm-hmm.

17 Q. -- and you testified that Secretary  
18 Kelly asked for clarification of the process  
19 from Census and Census provided clarification.

20 After that point, --

21 A. Mm-hmm.

22 Q. -- was a written response to that QFR  
23 revised?

24 A. After that meeting, it was my  
25 understanding that Census was asked to help

1 them properly revise that answer that they had  
2 provided to the QFR.  
3 Mind you, things were very busy  
4 at this time, and it still is. Days, if not  
5 maybe a week or so had gone by, and it had  
6 occurred to me that Census had not provided  
7 an updated response, probably because they were  
8 just crashing. And so, at the time, I remember  
9 we had just finished a call with Census, I think  
10 it was one of our weekly meetings with Census,  
11 but for some reason we didn't have it at  
12 Commerce. So what we sometimes will do is  
13 we'll do a call-in in lieu of an actual physical  
14 meeting.

15 After the call-in meeting, I believe  
16 I had a paper copy of that particular question  
17 that I was going to ask Census to help revise,  
18 to ask them where it was. Unfortunately, I had  
19 forgotten to ask them on that call, and, when it  
20 ended, I was in Mike Walsh's office, our Deputy  
21 General Counsel. Our Deputy General Counsel was  
22 also at -- present at that meeting where we had  
23 asked Census to specify what the process was.  
24 And I had asked the Deputy General Counsel,  
25 could you put the together a draft response from

1 your understanding of what Census had told us so

2 I can send this to Census and see whether they

3 accept, reject, edit or accept so I can get the

4 ball rolling, because we need to finalize the

5 QFRs.

6 Q. Did Mr. Walsh provide you with a draft

7 response to that question?

8 A. He did.

9 Q. What did you do with his draft

10 response?

11 A. I typed it and sent it to Census for

12 their comments and approval or any suggestions.

13 Q. Did Census provide comments, approval

14 or suggestions?

15 A. Census did respond.

16 Q. What was their response?

17 A. They were okay with the Deputy General

18 Counsel's draft response.

19 Q. How was that communicated to you?

20 A. By e-mail.

21 Q. And what did you do after receiving

22 that communication with respect to the response

23 to the question?

24 A. I then took that response and put it

25 into the QFR.



1 administrative related to Secretary Kelly's

2 calendar?

3 A. Right.

4 Q. Did you do any other work that was

5 not administrative and not related to Secretary

6 Kelly's calendar?

7 MS. BAILEY: Objection; vague.

8 THE WITNESS: Could you give me an

9 example?

10 BY MR. ADAMS:

11 Q. No.

12 A. Okay. Well, we did more than just

13 scheduling. We would, oftentimes, look at

14 a document and if there are any additional

15 information that need -- was needed we would

16 ask bureaus for more information. But, again,

17 neither Aaron or I, to my knowledge, were Census

18 experts, so we would rely on Census to give us

19 as much information as possible.

20 Q. Why do you say that you're not a

21 Census expert?

22 A. Because I'm not.

23 Q. Have you tried to -- strike that.

24 When you provide information to others

25 within the Department of Commerce related to the



1 Census, do you create independent work product

2 without the input of experts from Census?

3 MS. BAILEY: Objection; vague.

4 THE WITNESS: I do not create my own

5 work product without Census's input.

6 BY MR. ADAMS:

7 Q. If you're providing information

8 to others related to the Census, would the

9 information that you provide come from experts

10 at Census?

11 A. They would come from people at Census.

12 Q. Any other sources?

13 A. Public sources, like the internet.

14 Q. That you would look up?

15 A. Mm-hmm.

16 Q. Any other sources?

17 A. Those sources were, actually, all

18 directed towards Census's website.

19 Q. So aside from direct input from

20 experts at Census and publicly available

21 information on the internet, did you use any

22 other sources to gather and provide information

23 to others at Commerce about the Census?

24 MS. BAILEY: Objection; form.

25 THE WITNESS: Could you rephrase that

1 assembling administrative records?  
2 MS. BAILEY: Objection; vague.  
3 THE WITNESS: Training?  
4 BY MR. ADAMS:  
5 Q. Training.  
6 A. There's training?  
7 Q. I'm asking did you receive any?  
8 A. Not that I know of.  
9 MS. BAILEY: Same objection.  
10 THE WITNESS: Not that I'm aware of.  
11 If there's official training, I did not receive  
12 official training.  
13 BY MR. ADAMS:  
14 Q. Did you receive unofficial training?  
15 A. What do you mean unofficial training,  
16 on the job?  
17 Q. Yes.  
18 A. The work that I described in Import  
19 Administration is probably the closest to  
20 compiling information.

21 Q. Did anyone ever explain to you what  
22 types of information should or should not be  
23 included within an administrative record?  
24 A. No.  
25 Q. Have you ever assembled an

**1 administrative record at the Department**  
**2 of Commerce?**  
**3 A. I had assembled -- helped assemble**  
**4 the Secretary's deliberation in considering the**  
**5 citizenship question.**

6 MR. ADAMS: I'd like to show you

7 Exhibit Number 13.

8 (Deposition Exhibit No. 13, a document

9 Bates Numbered 1984, was marked.)

10 BY MR. ADAMS:

11 Q. This is Bates Number 1984.

12 The second e-mail in this chain is

13 dated January 28th, 2018, from James Uthmeier.

14 A. Mm-hmm.

15 Q. And he says, additionally, I know that

16 KDK, --

17 That's Secretary Kelly?

18 A. Karen Dunn Kelly, yes.

19 Q. -- wanted to do a follow-up meeting

20 to tomorrow's Steering Committee -- steering

21 meeting, --

22 A. Mm-hmm.

23 Q. -- at which we could visit directly

24 with Ron and Enrique about the admin record.

25 And you responded, also, I spoke with

1 about this document?

2 Q. In -- in the latter half of January

3 2018.

4 A. Possibly. I don't know.

5 Q. Did you attend any meeting where this

6 document was discussed?

7 A. Not that I can recollect.

8 Q. Did you attend any meeting where

9 Options A, B and C were discussed?

10 THE WITNESS: I'm sorry. Just to

11 clarify, discussed this with Karen Dunn Kelly or

12 with Census?

13 BY MR. ADAMS:

14 Q. With anyone within the Department of

15 Commerce or the Census Bureau.

16 A. Around this time in late January, I

17 don't -- I don't recall.

18 Q. Do you recall the Department of

19 Commerce coming up with a set of 35 questions

20 for the Census Bureau?

21 A. I don't know if there are 35

22 questions. I know that Commerce did come up

23 with a list of questions based off of this

24 options paper that was provided by Census.

25 Q. How did Commerce come up with those



1 questions?

2 A. So Commerce was given a copy of this

3 document, the options paper, and it was shared

4 with some of us at Commerce. And I believe

5 after reviewing it there's some folks that came

6 back with questions. And so there was an effort

7 to compile those questions because different

8 people had different questions.

9 Q. Do you recall who had questions?

10 A. I believe David Langdon, I think James

11 Uthmeier may have, and I think Earl may have, as

12 well. I don't know if there would be more or --

13 or less.

14 Q. Karen Dunn Kelly, --

15 A. Mm-hmm.

16 Q. -- did -- did she have questions, that

17 you recall?

18 A. I don't know. I can't remember.

19 Somebody was collecting everybody's questions,

20 so she may or may not have. But I wasn't

21 compiling everybody's questions, so I don't

22 know.

23 MR. ADAMS: I'm showing you what's

24 been marked as Exhibit 16. This is Bates Number

25 3706.

1 (Deposition Exhibit No. 16, a document

2 Bates Numbered 3706, was marked.)

3 THE WITNESS: Mm-hmm. Okay.

4 BY MR. ADAMS:

5 Q. Does this refresh your recollection

6 as to whether Secretary Kelly may have had

7 questions?

8 A. I do not know.

9 Just to clarify, I don't know if

10 they're Karen's questions or if they're a

11 compilation of questions, but it sounds like

12 I had a copy of some questions -- her copy at my

13 desk.

14 Q. At some point were the que -- were the

15 questions transmitted to the Census Bureau?

16 A. I don't know. I'd imagine they were,

17 because Census provided responses.

18 Q. But you did not transmit them?

19 A. I did not transmit those questions.

20 Q. Did you receive responses to the

21 questions --

22 A. I think --

23 Q. -- from Census?

24 A. -- I may have seen a copy of them.

25 I don't know if I was on an e-mail. I can't

1 recall.

2 Q. The administrative record reflects

3 multiple versions of these questions. What do

4 you recall about the process of preparing a

5 final set of responses?

6 MS. BAILEY: Objection; foundation.

7 THE WITNESS: All I know was a final

8 copy was given to me to keep for record's sake,

9 and that's all I know.

10 MR. ADAMS: I'd like to show you

11 what's been marked as Exhibit 17.

12 (Deposition Exhibit No. 17,

13 Defendant's Objections and Responses to

14 Plaintiff's Third Set of Interrogatories in the

15 New York Action, Case No. 18-2025, was marked.)

16 BY MR. ADAMS:

17 Q. Exhibit 17 is Defendant's Objections

18 and Responses to Plaintiff's Third Set of

19 Interrogatories in the New York -- in the

20 related New York action, Case Number 18-5025.

21 I'd like to direct your attention to Page 2 of

22 the document.

23 A. Mm-hmm.

24 Q. And at the bottom of the page

25 is Interrogatory Number 5. With regard to



1 draft and final response to Question 31 in the  
2 questions on the January 19th draft census memo  
3 on the DOJ Citizenship Reinstatement Request,  
4 found at Administrative Record 2303 to 2304 and  
5 Administrative Record 196, please identify, A,  
6 all persons who worked on any draft of the  
7 response.

8 A. Mm-hmm.

9 Q. And in response the Department of  
10 Commerce responded with a list of names, among  
11 others, yours, correct?

12 A. Mm-hmm. Yes.

13 Q. In what ways did you work on a  
14 draft of the response to Question 31, and I  
15 can -- would it help to show you Question 31?

16 A. Sure. That would be helpful. I think  
17 it's in reference to what we spoke about  
18 earlier, --

19 Q. It is.

20 A. -- but I'd love to see a copy.

21 MR. ADAMS: Sure. So what I'm marking  
22 as Exhibit Number 18 is Bates Number 1286 from  
23 the administrative record.

24 (Deposition Exhibit No. 18, a document  
25 Bates Numbered 1286, was marked.)



1 BY MR. ADAMS:

2 Q. And Question 31 appears on Page 11.

3 A. Mm-hmm.

4 Q. What is the process that was used

5 in the past to get questions added to the

6 Decennial Census, or do we have something

7 similar where a precedent was established?

8 A. Mm-hmm.

9 Q. And as we saw in Exhibit 17, the

10 Department of Commerce responded with your name

11 when asked for all people who worked on any

12 draft of the response.

13 A. Yep.

14 Q. And what work did you do on a draft of

15 re -- of the response to this question?

16 A. Yes. It goes back to what I mentioned

17 earlier. Census, based off of our understanding

18 of our meetings with them, had indicated that

19 there was a distinction between the process

20 that's used at questions to the American

21 Community Survey, which they had shared with

22 us, and that the Decennial Census did not

23 necessarily have a similar process, to their

24 knowledge, that they could point to.

25 And, therefore, it would not be an accurate

1 characterization to say that it was the same.

2 And so based off of that, Census was

3 to go about -- my understanding from the meeting

4 was that Census was going to go back and work on

5 the draft response to Question 31.

6 Now, as I mentioned, these were

7 extremely busy times. And I think a few days,

8 if not a week or so had gone by, and this was

9 not updated. And I was in a meeting with Mike

10 Walsh, we had a call with Census in lieu of an

11 in-person meeting that we typically have, and

12 had a hard copy of this and had asked Mike

13 Walsh, our Deputy General Counsel, based off

14 of his recollection of our meeting with Census,

15 could he draft together a draft response so that

16 I can send it to Census for clearance, comments

17 or edits so I could get the ball rolling so we

18 can finalize these answers.

19 Mike Walsh then handwrote the draft

20 response for me on my paper, which then I then

21 went back and typed it up and sent it to Census.

22 I sent it to -- by e-mail to Ron Jarmin, I

23 believe Enrique Lamas, Christa, which those are,

24 typically, the people that I'll e-mail asking

25 for their comments, suggestions or clearance on

1 this.

2 And that was my involvement regarding

3 this question and answer.

4 Q. When was -- so Census sent a draft

5 response to Question 31 to Commerce?

6 A. Mm-hmm.

7 Q. And you asked at some point for a

8 revision to that response?

9 A. I don't recall myself asking. I

10 remember at the meeting the understanding was

11 Census was going to go back, because I don't

12 believe this was the only one where they were

13 going to revisit. This was one of some that

14 Census was supposed to come back with their

15 revision.

16 Q. Do you recall when Census was first

17 asked to revisit their initial response to

18 Question 31?

19 A. I don't. I would imagine it

20 probably wasn't too long after they provided

21 this response, and it was probably during the

22 course of one of our subsequent meetings with

23 them, either weekly or biweekly, or even a phone

24 conversation -- no, it was an in-person meeting.

25 Excuse me.



1 to prepare the questions to send up to Congress.

2 Q. Did Mike Walsh draft revised responses

3 to any questions, other than Question 31?

4 A. Not that I'm aware of.

5 Q. In terms of timing, would you agree

6 that Census provided initial responses to most

7 of the 35 questions by the beginning of February

8 2018?

9 A. Likely. Census tries to turn around

10 information as quickly as they can.

11 But as you can see from Question 30,

12 there's a lot of back and forth where Census

13 would come back and ask, we're not sure what

14 you're asking for, please clarify the question.

15 MR. ADAMS: I'd like to show you

16 what's been marked as Exhibit Number 19.

17 (Deposition Exhibit No. 19, a document

18 Bates Numbered 1616, was marked.)

19 BY MR. ADAMS:

20 Q. This is Bates Number 1616, and I'd

21 like to turn to Question Number 31.

22 A. Mm-hmm.

23 Q. And if you could review the response

24 to Question 31 and let me know when you've had a

25 chance to look at it.

1 A. Mm-hmm.

2 Okay.

3 Q. Does this -- does this look to you

4 like the initial response that Commerce received

5 from the Department of Census to Question 31?

6 MS. BAILEY: Objection; vague.

7 THE WITNESS: Question to 31? Could

8 you --

9 MR. ADAMS: Could you repeat the

10 question?

11 THE REPORTER: The last question, or

12 the one prior?

13 MR. ADAMS: The last question.

14 (Referred-to testimony read back.)

15 MS. BAILEY: Same objection.

16 THE WITNESS: It looks similar, but

17 I cannot tell you if this is exactly what it

18 looked like word for word.

19 BY MR. ADAMS:

20 Q. This is not the response that

21 Mr. Walsh drafted?

22 A. That's correct.

23 Q. The re -- the response says

24 that adding a question or making a change to

25 the Decennial Census toward the ACS involves



1 extensive testing, review and evaluation.

2 Did you have any reason to believe

3 that that statement was inaccurate in this

4 response?

5 A. Yes. My understanding from the

6 meetings that we had from Census was that

7 this statement was very true for the American

8 Community Survey, and I believe when we

9 had asked about the Decennial Census, my

10 understanding was that Census said it had been a

11 very long time since they have added a question,

12 to which I believe there was an effort that was

13 made by Census to see if they could find the

14 last time a question was added to the Decennial

15 and, when it was added, what process, any

16 historical record that Census could show us

17 to support that statement. And Census, to my

18 recollection, did not have anything to provide.

19 Q. What prompted the Department of

20 Commerce to dig deeper into this initial

21 response to Question 31?

22 MS. BAILEY: Objection; foundation.

23 Mischaracterizes previous testimony.

24 THE WITNESS: Could you repeat

25 that question or miss -- rephrase it for me.

1 in connection with considering the process  
2 for adding a question to the 2020 Census?  
3 A. Not to my recollection. This looks  
4 like this was in preparation for the PMR, the  
5 quarterly Performance Management Review that  
6 Census hosts to provide the public an update on  
7 the progress that they've made in preparation  
8 for the Decennial. And I think this may be  
9 one of those public presentations that Census  
10 provided.

11 It says here that they were including  
12 a slide to send to Ellen Johnson, who is a  
13 staffer in the House Oversight and Government  
14 Reform Committee, who I guess she might have  
15 inquired about that.

16 Q. That's HOCR?

17 A. Mm-hmm.

18 **MR. ADAMS: I'd like to show you what**

19 **I've marked as Exhibit 21. It's Bates Number**

20 **13023.**

21 **(Deposition Exhibit No. 21, a document**

22 **Bates Numbered 13023, was marked.)**

23 **THE WITNESS: Mm-hmm.**

24 **BY MR. ADAMS:**

25 **Q. And this is an e-mail from you on**

1 February 23rd, 2018, to Ron, Enrique and

2 Christa at the Census Bureau, correct?

3 A. Correct.

4 Q. And you would agree that the bolded

5 question that appears beneath your name is

6 Question 31?

7 A. Mm-hmm. Yes.

8 Q. Are you familiar with this draft

9 response to Question 31?

10 A. I believe this is Mike Walsh's draft

11 response that I typed and sent to Census asking

12 for their thoughts.

13 Q. When you say the -- Mike Walsh wrote

14 an answer, --

15 A. Mm-hmm.

16 Q. -- I believe you said that he wrote

17 it on a hard copy document that you had of the

18 questions?

19 A. He wrote it for me because I had a

20 hard copy and I asked him on the spot after we

21 had concluded a call with Census.

22 Q. Did you -- strike that.

23 Who came up with the language that he

24 wrote down?

25 A. I believe it was based off of



1 his understanding from the meeting that he  
2 participated in with Census when they went over,  
3 among many things, what the process was for the  
4 Decennial Census where Census clarified to us.

5 Q. Did you make suggestions for the  
6 language to be used in the revised version of  
7 the response to Question 31?

8 A. Could you rephrase that?

9 Q. The -- the version of -- the revision  
10 of the response to Question 31 that Mr. Walsh  
11 wrote on your hard copy, --

12 A. Mm-hmm.

13 Q. -- did you provide suggestions as to  
14 what wording should be used for that response?

15 A. No. I typed it verbatim.

16 Q. And Mr. Walsh came up with the  
17 language independently?

18 A. No. It was based off of his  
19 understanding from the meeting he had  
20 participated in with Census, that we had all  
21 participated in.

22 Q. Let me rephrase -- ask a different  
23 question.

24 A. Okay.

25 Q. He came up with the -- is it correct

1 to say that he came up with the language

2 independent of substantive input from you?

3 MS. BAILEY: Objection; form.

4 Objection. Mischaracterizes previous testimony.

5 THE WITNESS: I did not provide any

6 input with regards to the response to Question

7 Number 31.

8 BY MR. ADAMS:

9 Q. Part of this response in your e-mail

10 says, consistent with longstanding practice

11 for adding new questions to the ACS survey,

12 the Census Bureau is working with relevant

13 stakeholders to ensure that legal and regulatory

14 requirements are fulfilled and that the

15 questions would produce quality, useful

16 information for the nation.

17 A. Mm-hmm.

18 Q. Who provided the information used

19 to come up with that language to Mr. Walsh?

20 MS. BAILEY: Objection; form.

21 THE WITNESS: I believe this language

22 was based off of Census's explanation to us

23 about the process for the American Community

24 Survey.

25 BY MR. ADAMS:



1 aware, that process is ongoing. I think "as  
2 upon its conclusion" probably should have been  
3 a separate paragraph and it should have been  
4 clarified that "upon its conclusion of looking  
5 at the Department of Justice request with  
6 regards to Decennial Census", that it's still  
7 ongoing and that the information would be  
8 provided to the Secretary for consideration.

9 But, again, I wrote this based upon what was  
10 given to me --

11 Q. Typing --

12 A. -- without any corrections. Right.

13 Q. Typing up verbatim what you received

14 from Mr. Walsh?

15 A. Correct.

16 Q. Christa Jones responded to you and  
17 said, Sahra, I'm fine with this. This is not  
18 to say that there weren't some improvements and  
19 presentation changes for the topics between  
20 1990, 2000, 2010 and planned for 2020. I just  
21 want us all to be clear that the questionnaires  
22 were not -- was not identical from 1990 to now.

23 A. Mm-hmm.

24 Q. Aside from this response from

25 Ms. Jones, did you receive any other responses

1 or feedback from Mr. Jarmin, Mr. Lamas or

2 Ms. Jones about this proposed response?

3 A. No. And the reason why Christa is

4 always copied on any e-mail to Ron and Enrique

5 is so that she can also ping them and check with

6 them in the event that they missed an e-mail

7 from us.

8 And so Christa was my liaison

9 over there to ensure that we could get a timely

10 response from Census, and, if she responded,

11 then that was good as -- as what census was

12 going forward with, so that was my

13 understanding.

14 Q. So your understanding -- was it

15 your understanding that Census had reviewed and

16 approved of the language that Mr. Walsh wrote on

17 your hard copy and you retyped here?

18 A. That's what I took it as.

19 Q. Following -- following this exchange,

20 did Commerce send to you any other revisions to

21 a response to Question 31?

22 A. No, not that I can recall.

23 Q. Can you recall -- do you know whether

24 they -- whether Census sent anyone within the

25 Department of Commerce a further revision of the

1 response to Question 31?

2 A. I do not know. As far as I was

3 concerned, this was done and over and we can

4 move on.

5 Q. From your perspective, you said it's

6 done and over and we can move on, so you view

7 this language as having been approved final

8 language for the response to Question 31?

9 A. With regards to Census's review, that

10 was my understanding.

11 Q. Was there further review of the

12 response within the Department of Commerce?

13 A. I do not know. At this point there

14 are a lot of e-mails going back and forth,

15 so ...

16 MR. ADAMS: I'd like to show you

17 what's been marked as Exhibit Number 22, and

18 this is Bates Number 9812.

19 (Deposition Exhibit No. 22, a document

20 Bates Numbered 9812, was marked.)

21 MR. ADAMS: Before we go to this

22 exhibit, I want to go back to what we were just

23 discussing and show you Exhibit 23.

24 (Deposition Exhibit No. 23, a document

25 Bates Numbered 3403, was marked.)



1 know if they came in together or if they came in  
2 separately, the attachment.

3 Q. Taking a look at Exhibit 22, --

4 A. Mm-hmm.

5 Q. -- if we could turn to page -- it's

6 the second-to-last page, --

7 A. Mm-hmm.

8 Q. -- Question 31. So the version of

9 the response to Question 31 that's in this

10 document --

11 A. Mm-hmm.

12 Q. -- is not the version that was

13 prepared by Mike Walsh.

14 A. Correct.

15 Q. Do you know why, as late as March 1st,

16 2018, Dr. Abowd would be using this version of

17 the response to Question 31?

18 MS. BAILEY: Objection. Calls for

19 speculation. Foundation.

20 THE WITNESS: I do not know why,

21 but this is not the version he should have been

22 using.

23 BY MR. ADAMS:

24 Q. He should have been using the version

25 as drafted by Mr. Walsh?

1 A. The one that was cleared by Census.

2 MR. ADAMS: Could we go off the record

3 for two minutes?

4 THE VIDEOGRAPHER: We're going off the

5 record. The time is 1:53 p.m.

6 (Brief recess.)

7 THE VIDEOGRAPHER: We're back on the

8 record. The time is 1:55 p.m.

9 BY MR. ADAMS:

10 Q. I'd like to compare the different

11 versions of the response to Question 31 that we

12 have.

13 A. Okay.

14 Q. So there is the version in Exhibit 22,

15 which is the March 1st, 2018, memo from

16 Dr. Abowd.

17 A. Okay.

18 Q. There's the version in Exhibit 19.

19 I think this might be it.

20 A. No, that's 18. You said 19, right?

21 So Exhibit 19, --

22 Q. Exhibit 19.

23 A. -- and then what was the one before

24 that that you asked? Oh, and then this one, --

25 Q. And Exhibit --



1 A. -- Exhibit 22?

2 Q. So 18, 19, --

3 A. Nineteen.

4 Q. -- 21 and 22. So we have four -- four

5 documents.

6 A. Okay. Okay.

7 Q. Starting with 19 and 22, --

8 A. 19 and 22. Okay.

9 Q. Okay.

10 -- would you agree that these versions

11 of the response to Question 31 are the same?

12 A. I'm sorry. That the response to --

13 Q. Question 31.

14 A. -- 31 for Exhibit 18 --

15 Q. 19 and 22.

16 A. -- 19 -- I'm sorry.

17 Q. I'm sorry.

18 A. I'm sorry. One more time. For 19 and

19 22, are they the same?

20 Q. Yes.

21 A. Okay. Yes, they read the same.

22 Q. Turning to the version in Exhibit 21,

23 this is the e-mail version with the typed-up

24 version of Mr. Walsh's response?

25 A. Mm-hmm. Twenty-one. Okay. Sorry.

1 There's -- okay.

2 Q. This had been communicated to Census

3 prior to March 1st, 2018, correct?

4 A. Correct.

5 Q. Are you aware of any reason why

6 Dr. Abowd would not be using this version of the

7 response to Question 31?

8 MS. BAILEY: Objection. Objection.

9 Calls for speculation. Objection; foundation.

10 THE WITNESS: I don't know.

11 BY MR. ADAMS:

12 Q. Did -- did Dr. Abowd, to your

13 knowledge, express to anyone at the Department

14 of Commerce disagreement with the version of the

15 response in Exhibit 21?

16 A. You mean the one that the Commerce

17 Department provided --

18 Q. Yes.

19 A. -- to 21?

20 I don't know. I believe Dr. Abowd

21 is not in that e-mail that I had sent to Census.

22 I only had sent it, it seems, to Ron Jarmin,

23 Enrique Lamas, Christa Jones, Karen Dunn Kelly,

24 Mike Walsh and Brian Lenihan.

25 Q. Before we compare the version of the

1 response in Exhibit 21 to the version that's in

2 Exhibit 18, --

3 A. Okay.

4 Q. -- I just want to go back to 21

5 and make sure I understand what, if anything,

6 happened to this version of the response after

7 February 23rd, 2018. Did you make any further

8 revisions to the response to Question 31?

9 A. No.

10 Q. To your knowledge, did Mr. Walsh

11 make any further revisions to the response?

12 A. No.

13 Q. To your knowledge, did Secretary Kelly

14 make any revisions to this version?

15 A. No.

16 Q. Are you aware of anyone who made

17 revisions to this version of Question 31 after

18 February 23rd?

19 MS. BAILEY: Objection. Asked and

20 answered.

21 THE WITNESS: No.

22 BY MR. ADAMS:

23 Q. If we could compare Exhibit 21 with

24 Exhibit 18, --

25 A. Okay.

1 Q. Okay.

2 -- you would agree that these are not

3 identical, correct?

4 A. Correct.

5 Q. And the sentence, consistent with

6 longstanding practice for adding new questions

7 to the ACS survey, the Census Bureau is working

8 with relevant stakeholders.

9 MS. BAILEY: Sorry. Can we clarify

10 which exhibit? I'm sorry.

11 MR. ADAMS: Yes. Exhibit 21.

12 BY MR. ADAMS:

13 Q. There is a sentence in 21, consistent

14 with longstanding practice for adding new

15 question -- for adding new questions to the

16 ACS survey, the Census Bureau is working with

17 relevant stakeholders to ensure that legal and

18 regulatory requirements are fulfilled and that

19 the question would produce quality and useful

20 information for the nation.

21 A. Mm-hmm.

22 Q. That initial phrase, consistent with

23 longstanding practice for adding a new question

24 to the ACS survey, does not appear in the

25 version of the answer in Exhibit 18, --



1 A. Mm-hmm.

2 Q. -- correct?

3 A. Correct.

4 Q. Do you know why?

5 A. I do not know why. It seems like

6 it's a truncated version of Exhibit 21. It's

7 the same answer, just shortened.

8 Q. You testified, and correct me if I'm

9 wrong, that you're not aware of anyone having

10 made further revisions to Question 31 as

11 reflected in Exhibit 21.

12 A. Correct.

13 Q. In terms of control of the -- the

14 document that had the responses to all of these

15 questions, I'd imagine it changed hands a number

16 of times; is that correct?

17 A. Yes. I would imagine.

18 Q. And after February 23rd, people in

19 addition to you made revisions; is that correct?

20 MS. BAILEY: Objection. Calls for

21 speculation.

22 THE WITNESS: I don't know. I don't

23 know.

24 BY MR. ADAMS:

25 Q. How many -- strike that.



1 responses to these questions after February

2 23rd?

3 MS. BAILEY: Objection.

4 THE WITNESS: The Secretary?

5 MS. BAILEY: Objection. Asked and

6 answered several times.

7 THE WITNESS: No.

8 BY MR. ADAMS:

9 Q. I've been asking about revisions by

10 people at the Department of Commerce. Are you

11 aware of whether anyone within the Census Bureau

12 revised answers -- the answer to Question 31

13 after February 23rd, 2018?

14 MS. BAILEY: Objection; foundation.

15 THE WITNESS: No. I don't know.

16 BY MR. ADAMS:

**17 Q. Who changed the response to Question**

**18 31 from the version reflected in Exhibit 21 to**

**19 the version reflected in Exhibit 18?**

**20 MS. BAILEY: Objection. Calls for**

**21 speculation, foundation, asked and answered.**

**22 THE WITNESS: I don't know.**

23 BY MR. ADAMS:

24 Q. Okay. With respect to -- with respect

25 to the process of considering DOJ's request,

1 A. That's what it looks like from the  
2 scheduler.

3 Q. And it lists calls with members of  
4 Congress and others, such as Kay Coles James  
5 with the Heritage Foundation, Christine Pierce,  
6 a demographer at Nielsen. Did these calls take  
7 place?

8 A. Some did and some didn't. It was  
9 tricky. Like, the scheduling team tried to  
10 squeeze in as many calls during certain hours,  
11 but then they were shifting and changing, and  
12 sometimes the members or people were not  
13 available. So the final list of summaries based  
14 off these stakeholder calls were all the people,  
15 to my recollection, that we -- that the  
16 Secretary was able to get ahold of and have a  
17 listening session.

18 Q. For each of the calls you participated  
19 in, did you take contemporaneous notes?

20 A. Yes. I tried.

21 I think I may have missed a couple  
22 with the members at the tail end, but Kasey was  
23 in those meetings so she would have read the  
24 summaries.

25 Q. Do you recall whether you were on the

1 phone call with Christine Pierce from Nielsen?

2 A. If my notes show it, maybe.

3 Q. You don't recall either way, though?

4 A. I don't. There were so many. I mean,

5 that's why we were taking notes.

6 MR. ADAMS: I'd like to show you

7 what's been marked as Exhibit Number 28.

8 (Deposition Exhibit No. 28, a document

9 Bates Numbered 001313, was marked.)

10 BY MR. ADAMS:

11 Q. Are you familiar with this document?

12 A. I believe it was the Secretary's

13 decision.

14 Q. Who drafted the Secretary's decision?

15 A. Boy, I don't know, but it wasn't me.

16 Q. Did you work on preparing any inputs

17 into this decision?

18 MS. BAILEY: Objection; vague.

19 THE WITNESS: Inputs? No.

20 BY MR. ADAMS:

21 Q. Did you provide any information

22 -- strike that.

23 Did you have any role in the creation

24 of this document, in particular?

25 A. No. I think I saw the final finished

1 product.

2 Q. As this was being drafted, did

3 anyone ask you any questions about formulations

4 -- strike that.

5 As this was being drafted, did

6 anyone ask you questions about preparing the

7 Secretary's final decision?

8 MS. BAILEY: Objection; vague.

9 THE WITNESS: Preparing his final

10 decision for ...

11 BY MR. ADAMS:

12 Q. Preparing this document.

13 A. No.

14 Q. If you could turn to Page 6 -- oh,

15 that has my underline in it.

16 A. Is this your copy?

17 Q. That's all right.

18 A. Okay.

19 Q. So what I have underlined is the

20 sentence, first, several stakeholders who

21 opposed reinstatement of the citizenship

22 question did not appreciate that the question

23 had been asked in some form or another for

24 nearly 200 years.

25 A. Mm-hmm.



1 Q. Do you recall -- do you recall  
2 stakeholder phone calls where stakeholders  
3 expressed opposition to the reinstatement of  
4 the citizenship question?

5 A. The stakeholders, I think they were --  
6 they were folks who were not fans of the  
7 request.

8 Q. And do you recall, based on those  
9 phone calls, whether stakeholders who were  
10 opposed appreciated that the question had been  
11 asked in some form or another for nearly 200  
12 years?

13 MS. BAILEY: Objection; vague.

14 THE WITNESS: I don't know. I'd have  
15 to go back and look at those notes.

16 BY MR. ADAMS:

17 Q. Without looking at those notes, would  
18 you be able to say what the source of this  
19 statement is?

20 A. I do not.

21 MR. ADAMS: If we could take a  
22 10-minute break, I think we're approaching the  
23 end. So why don't we take a 10-minute break and  
24 come back?

25 THE VIDEOGRAPHER: We're going off the

1 answer on your hard copy?

2 A. I don't remember when, but I'd imagine

3 once he provided edits, typically, I would try

4 to send it back as soon as possible, but I don't

5 know when.

6 Q. Do you know the date of the meeting

7 -- do you know the date of the meeting where

8 Mr. Walsh received what information he needed

9 to receive to draft that response?

10 A. I don't recall the date of the

11 meeting, but I remember it was the same briefing

12 that I had participated in, and it was the

13 bigger group meeting with Census, but I don't

14 remember which one. We had a lot of them.

15 (Deposition Exhibit No. 29, a

16 certification by Ms. Park-Su, was marked.)

17 BY MR. ADAMS:

18 Q. Okay. Earlier we spoke about

19 -- generally, about administrative records,

20 and I'm going to show you what's been marked as

21 Exhibit Number 29.

22 A. Mm-hmm.

23 Q. Do you recognize -- do you recognize

24 this document?

25 A. I do.

1 Q. And is this your signature in the

2 middle of the document?

3 A. That is my signature.

4 Q. What is this document?

5 A. What do you mean?

6 Q. What do you understand this document

7 to be?

8 A. I mean it to be what it says on

9 the paper where it says, I here certify that

10 the annexed is a true copy of the complete

11 administrative record upon which the Secretary

12 of Commerce based his decision to reinstate a

13 question concerning citizenship on the 2020

14 Decennial Census. I base this certificate on my

15 personal involvement with the compilation review

16 of the documents comprising the administrative

17 record.

18 Q. How were you personally involved with

19 the compilation of the documents comprising the

20 administrative record?

21 A. Yeah. As I told you, I was usually

22 given final versions, to my understanding, of

23 documents that were going back and forth, and

24 it was my responsibility to hold on to those

25 documents because there was so many paper



1 movements.

2 Q. Was that the extent of your personal

3 involvement on the compilation of documents?

4 A. I believe I had also looked up

5 online a history that Census had in one of their

6 reviews about questions regarding citizenship

7 that was added. So a lot of the public

8 historical documents that Census had, I had

9 gone back to find them online or verify that

10 they were, in fact, there.

11 Q. When compiling documents comprising

12 the administrative record, did you affirmatively

13 reach out to others and ask for documents that

14 should be included in the record?

15 A. Ask for other documents?

16 Q. Yes.

17 A. Besides what we had from Census?

18 Q. Yes.

19 A. Not that I recall.

20 Q. Did anyone provide you guidance on

21 how to compile documents for the administrative

22 record?

23 A. No. My only under -- understanding

24 was that I was going to keep the record of all

25 documents that were handed to me.



1 Q. So just to clarify, aside from  
2 documents that were handed to you, you did  
3 not affirmatively reach out to others within  
4 Commerce --

5 A. No.

6 Q. -- to send you documents for the  
7 record?

8 A. No. I had asked Commerce, though, if  
9 there are any documents that Census had sent to  
10 them that I was not copied on, please send them  
11 to me.

12 Q. So that referred to documents from  
13 Census?

14 A. Right. Just as a precautionary  
15 measure, but I don't believe that -- that they  
16 had.

17 Q. From whom were you receiving documents  
18 that you compiled for the administrative record?

19 A. I think it varied. Oftentimes,  
20 they were given to me when we had our meeting  
21 with Karen Dunn Kelly or with Census. So,  
22 oftentimes, people would hand what I believe  
23 to be a final version of a document. So, for  
24 instance, the Department of Justice letter in  
25 early January was one that a hard copy was given

1 to me to keep, so it varied.

2 Q. Were all documents that you compiled

3 for the administrative record hard copy

4 documents?

5 A. Most of them, but not all of them.

6 Q. The documents that were not hard copy

7 documents, --

8 A. Mm-hmm.

9 Q. -- did you have them saved on your

10 computer?

11 A. Mm-hmm. I believe so.

12 Q. And from whom did you receive

13 electronic copies of documents for the

14 administrative record?

15 MS. BAILEY: Objection; vague.

16 THE WITNESS: I don't know.

17 BY MR. ADAMS:

18 Q. When people provided you with various

19 documents, did anyone indicate, this is a

20 document that should be part of the

21 administrative record?

22 A. No.

23 Q. You decided which documents should

24 be part of the administrative record?

25 MS. BAILEY: Objection.

1 Mischaracterizes witness's previous testimony.

2 THE WITNESS: No, I would just hold on

3 to documents that people would give me when it

4 came to Department of Justice's inquiry.

5 BY MR. ADAMS:

6 Q. Did you consider all documents that

7 you received related to the Department of

8 Justice's inquiry to be part of the

9 administrative record?

10 A. I don't know.

11 MS. BAILEY: Objection; vague.

12 THE WITNESS: Sorry.

13 BY MR. ADAMS:

14 Q. Part of the certification says that

15 it was based on your personal review of the

16 documents comprising the administrative record.

17 A. Personal involvement --

18 Q. I base this --

19 A. -- and the compilation and review of

20 the documents?

21 Q. Yes.

22 A. Mm-hmm.

23 Q. So how did you review the documents

24 comprising the administrative record?

25 A. Sure.



1 Counsel's office had asked if I would  
2 sign this document that contained information  
3 about the Secretary's decision to consider the  
4 citizenship question, and so it was a massive  
5 electronic file of documents. And I went  
6 through each and every one of them and I  
7 looked at them, and that's what I reviewed.

8 Q. The compilation of documents that you  
9 reviewed, did you create that compilation of  
10 documents?

11 A. I didn't create it. I had -- it was  
12 -- most of them were documents that were given  
13 to me that I had in hard copy.

14 Q. Mm-hmm.

15 A. And it looked like most -- it  
16 looked like counsel's office had scanned them  
17 individually and had saved them, and that was  
18 part of the administrative record.

19 Q. From whom did you receive the  
20 compilation of documents that you reviewed?

21 A. I can't remember. It was from one  
22 of the attorneys in General Counsel's office.

23 Q. Did you select the documents that were  
24 part of that compilation?

25 A. I did not select the documents. I



1 held on to the documents that were given to me.

2 Q. Do you know who selected the documents

3 that were part of that compilation?

4 A. I do not know.

5 Q. Did anyone ask you which documents

6 ought to be part of the compilation?

7 A. No.

8 Q. Did you have any say whatsoever in

9 determining the content of that compilation?

10 A. No.

11 MS. BAILEY: Objection; vague.

12 Confusing.

13 MR. ADAMS: I'd like to show you

14 what's been marked as Exhibit Number 30.

15 (Deposition Exhibit No. 30, a document

16 Bates Numbered 001321, was marked.)

17 THE WITNESS: Okay.

18 BY MR. ADAMS:

19 Q. Are you familiar with this document?

20 A. This is the first time I'm seeing this

21 document.

22 Q. You've never seen this document

23 before?

24 A. I have not seen this document.

25 Q. To your knowledge, have you seen any

1 Q. And did you familiarize yourself with  
2 the documents selected before certifying the  
3 record?

4 A. I looked at the documents at the  
5 General Counsel's Office provided prior to  
6 signing.

7 MS. BAILEY: Thank you. That's all I  
8 have.

9 FURTHER EXAMINATION

10 BY MR. ADAMS:

11 Q. Did you make an independent  
12 determination that the compilation you received  
13 was complete?

14 A. No.

15 MR. ADAMS: I have no further  
16 questions.

17 MS. BAILEY: And, I'm sorry. I forgot  
18 one. I'm sorry.

19 FURTHER EXAMINATION

20 BY MS. BAILEY:

21 Q. Do you have an understanding  
22 as to whether individuals who worked on the  
23 citizenship question inquiry for Secretary Ross  
24 were consulted as far as providing potential  
25 documents for the record before that

1 Sahra Park-Su

2

3 C E R T I F I C A T E

4

5 I do hereby certify that the aforesaid  
6 testimony was taken before me, pursuant to  
7 notice, at the time and place indicated; that  
8 said deponent was by me duly sworn to tell the  
9 truth, the whole truth, and nothing but the  
10 truth; that the testimony of said deponent was  
11 correctly recorded in machine shorthand by me  
12 and thereafter transcribed under my supervision  
13 with computer-aided transcription; that the  
14 deposition is a true and correct record of the  
15 testimony given by the witness; and that I am  
16 neither of counsel nor kin to any party in said  
17 action, nor interested in the outcome thereof.

18

19 WITNESS my hand and official seal this  
20 29th day of October 2018.

21

22 <%11516,Signature%> \_\_\_\_\_

23 Ryan K. Black

24

25

1 Sahra Park-Su

2

3

4 INSTRUCTIONS TO THE WITNESS

5 Please read your deposition over

6 carefully and make any necessary corrections.

7 You should state the reason in the appropriate

8 space on the errata sheet for any corrections

9 that are made.

10 After doing so, please sign the errata

11 sheet and date it.

12 You are signing same subject to the

13 changes you have noted on the errata sheet,

14 which will be attached to you deposition.

15 It is imperative that you return the

16 original errata sheet to the deposing attorney

17 within thirty (30) days of receipt of the

18 deposition transcript by you. If you fail to do

19 so, the deposition transcript may be deemed to

20 be accurate and may be used in court.

21

22

23

24

25



10-25-2018

park-Su, Sahra

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1 Sahra Park-Su

2 E R R A T A

3 -----

4 PAGE LINE CHANGE

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24 Reason: \_\_\_\_\_

25 Job No. PA3072227

1 Sahra Park-Su

2

3 ACKNOWLEDGMENT OF DEPONENT

4 I, \_\_\_\_\_, do

5 hereby certify that I have read the foregoing

6 pages and that the same is a correct

7 transcription of the answers given by

8 me to the questions therein propounded,

9 except for the corrections or changes in form

10 or substance, if any, noted in the attached

11 Errata Sheet.

12

13 \_\_\_\_\_

14 DATE SIGNATURE

15

16 Subscribed and sworn to before me this

17 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

18

19 My commission expires: \_\_\_\_\_

20 \_\_\_\_\_

21 Notary Public

22

23 Job No. PA3072227

24

25